

Reply to Office Action dated June 9, 2009

REMARKS

Claims 1, 3-4, 6, 8-11, 13 and 22-24 are pending in this application. By this Amendment, claims 1 and 22-24 are amended. Various amendments are made for clarity and are unrelated to issues of patentability.

The Office Action rejects the claims under 35 U.S.C. §103(a) over U.S. Patent 7,003,790 to Inoue et al. (hereafter Inoue) in view of U.S. Patent Publication 2003/0037333 to Ghashghai (hereafter Ghashghai), alone or in combination with one of U.S. Patent 7,006,881 to Hoffberg et al. (hereafter Hoffberg), U.S. Patent 6,184,918 to Goldschmidt Iki et al. (hereafter Goldschmidt Iki) and/or U.S. Patent 5,416,693 to Yoshinari. The rejections are respectfully traversed with respect to the pending claims.

Independent claim 1 recites that a consumption behavior recorder comprises a normal finish record area for recording information regarding whether the user has viewed the entire content to an end at a normal speed, a stopped record area for recording section information regarding a stopped action made by the user during a middle of the content, the section information regarding the stopped action including a stop point indicator relative to the content, a skimmed record area for recording section information regarding a skimmed action made on the content, and a skipped record area for recording section information regarding a skipped action made on the content, wherein the stopped action, the skimmed action and the skipped action are each different actions. Independent claim 1 also recites that the normal finish record area stores a flag value according to a normal finish action, and a frequency of the normal finish action based on the flag value, the stopped record area stores a stop point indicator according to

Reply to Office Action dated June 9, 2009

the stopped action, and a frequency of the stopped action based on the stop point indicator. Independent claim 1 also recites that the skimmed record area stores a section start/end information or a section start/length information according to the skimmed action, and a frequency of the skimmed action based on the section start/end information or the section start/length information, and the skipped record area stores a section start/end information or a section start/length information according to the skipped action, and a frequency of the skipped action based on the section start/end information or the section start/length information.

The applied references do not teach or suggest at least these features of independent claim 1. More specifically, the Office Action states that Inoue does not teach various features of the claimed consumption behavior recorder such as the claimed normal finish record area, stopped record area and skimmed record area. As previously stated, subject matter of Ghashghai's paragraphs [0232], [0247], [0248], [0251] and [0254] are not prior art to the pending claims. See the previously-filed verified English language translation of Korean Application No. 2002-85755, filed December 29, 2000. The Korean priority document predates the "prior art" date of the subject matter of Ghashghai's paragraphs [0232], [0247], [0248], [0251] and [0254]. Therefore, applicant will reference Ghashghai's parent Application No. 09/422,121 (hereafter Ghashghai's prior application).

Ghashghai's prior application and Ghashghai do not teach or suggest the respective features relating to storing a flag value of a normal finish action, storing a frequency of the normal finish action, storing a stopped point indicator, storing a frequency of a stopped action, storing a section start/end information (relating to a skimmed action), storing a start/length

Reply to Office Action dated June 9, 2009

information (relating to a skimmed action), storing a frequency of a skimmed action, storing a section start/end information (relating to a skipped action), storing a section start/length information (relating to a skipped action), and storing a frequency of a skipped action as recited in independent claim 1.

The Office Action cites Ghashghai's paragraph [0247] for features of dependent claims 22-24. However, Ghashghai's paragraph [0247], which is not prior art to the pending claims, merely states that a server may chart behavior, such as where FF, pause or any Trickplay feature is used. This does not teach a flag value, a frequency of an action, a stop point indicator, section start/end information and/or section start/length information. The mere "charting" of behavior does not suggest these features. Again, the subject matter of paragraph [0247] does not predate the Korean priority date of the present application.

Ghashghai's prior application does not teach these respectively claimed features of independent claim 1. At best, Ghashghai's prior application discloses that each button press is recorded along with a current time. However, this does not suggest a flag value, a frequency of an action, a stop point indicator, section start/end information and/or section start/length information.

For at least these reasons, Inoue, Ghashghai and the Ghashghai prior application do not teach or suggest all the features of independent claim 1. Yoshinari, Hoffberg and Goldschmidt Iki do not teach or suggest the missing features of independent claim 1. Thus, independent claim 1 defines patentable subject matter.

Serial No. **10/025,920**
Reply to Office Action dated June 9, 2009

Docket No. **K-0373**

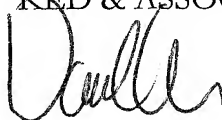
Each of the dependent claims depends from independent claim 1 and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1, 3-4, 6, 8-11, 13 and 22-24 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
KED & ASSOCIATES, LLP



David C. Oren
Registration No. 38,694

P.O. Box 221200
Chantilly, Virginia 20153-1200
703 766-3777 DCO/kah

Date: September 9, 2009

Please direct all correspondence to Customer Number 34610